COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: June 18, 2012
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: JOHN H. CLARK, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2286320
Incident:	Hit Shooting
Incident Date:	April 8, 2011
Unit:	Palmdale Station/FOR I
Suspect:	Jose D. Monteon, M/19
Involved Employees:	Deputy Giovanni Lampignano Deputy Andrew Campbell Deputy Bridgette Smith
EFRC Date:	June 13, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander Anthony La Berge, and Commander Stephen Johnson met and reviewed the above case.

FINDINGS:
The Committee determined the force used by Deputy Lampignano and Deputy Campbell was objectively reasonable and in compliance with Department Policy. The Committee also determined the tactics used were within the Department's training standards.

RECOMMENDATIONS:
The Committee recommended that Deputy [redacted] attend eight hours of Tactics and Survival Training, class 2A. Additionally, the Committee recommended the unit commander, Captain Bobby D. Denham, conduct a unit wide briefing on the safety and security of those participating in the Department's ride-along program.

MJR:JER:jer

Table of Contents

IAB CASE NO. **IV2286320**

OFFICER INVOLVED SHOOTING FORM

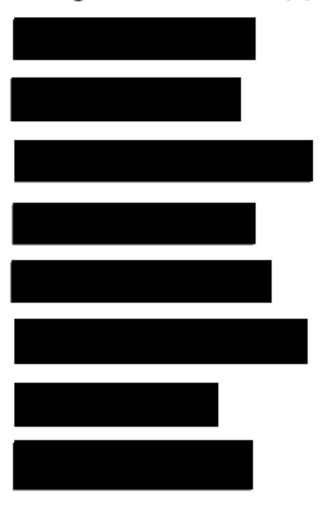
INVESTIGATIVE SUMMARY

WITNESS INTERVIEWS

Deputy Bridgette Smith

Sergeant Thomas Bruner

Sergeant Daniel Oppenheim


[redacted]

INVOLVED PERSONNEL

Deputy Giovanni Lampignano

Deputy Andrew Campbell

EXHIBITS

A - Homicide Book

B - Los Angeles County District Attorney's Letter of Opinion

C - Crime Scene Photographs

D - Photos depicting the position of Deputy Smith before and during the

shooting

E - Photos depicting the position of Deputy Lampignano before and during the shooting

F - Photos depicting the position of Deputy Cambell before and during the shooting

MISCELLANEOUS DOCUMENTS

- PM in-service for Palmdale Station dated April 8, 2012
- Signed admonition for witnesses

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
04/08/11	FOR I / Palmdale Station	☐	☒

Incident Information

URN: 011-05000-2611-013	Date: 04/08/11 Time: 1804
City or Station: Palmdale	Nature of Incident: Suspect Monteon was shot by deputies when he pointed a replica handgun at them.
Location: [redacted] East Avenue R-4	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ____________

Lighting (*circle only one*): Darkness, **Daylight** (circled), Other, Street Lights

Weather (*circle only one*): Clear, **Cloudy** (circled), Fog, Rain

Distance: 80 Feet

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: Replica Handgun

Initiated by (*circle only one*): Arrest Warrant, **Call** (circled), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
10	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Smith	Bridgette	J.	EM **PM** (circled) Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Addre[redacted]	City [redacted]	Zip [redacted]	Work Ph [redacted]	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Addr[redacted]	City [redacted]	Zip [redacted]	Work Ph [redacted]	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Addres[redacted]	City [redacted]	Zip [redacted]	[redacted]	[redacted]	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Bruner	Thomas	G.	**On Duty** (circled), **Present during shooting** (circled), **Witness to shooting** (circled), Involved in shooting
[redacted]	Oppenheim	Daniel	H.	**On Duty** (circled), **Present during shooting** (circled), **Witness to shooting** (circled), Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Sauer	Daniel	R.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Wright	Ken	F.

PSTD Use Only

SH # 2286320

SH-R-438A rev. 3/07

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04/08/11	2000		

Employee #	Last Name	First Name	M.I
[redacted]	Allen	Victor	M.
[redacted]	Adler	Kelly	L.
[redacted]	Ault	Alicia	E.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FO	ZZ	WW			NN	
S#1	E#2	FO	ZZ	WW			NN	
E#1	S#1	FH	HK	45	Y	Y	GS	CH
E#1	S#1	FH	HK	45	Y	Y	GS	FA
E#1	S#1	FH	HK	45	Y	Y	GS	HD
E#1	S#1	FH	HK	45	Y	Y	GS	BK
E#2	S#1	FH	BR	9	Y	Y	GS	CH
E#2	S#1	FH	BR	9	Y	Y	GS	FA
E#2	S#1	FH	BR	9	Y	Y	GS	HD
E#2	S#1	FH	BR	9	Y	Y	GS	BK

Officer Involved Shooting
Involved Employee Information

URN: 011-05000-2611-013

Involved Employee

E 1

Field	Value
Employee #	[redacted]
Last Name	Lampignano
First Name	Giovanni
M.I.	L.
Sex:	M
Race:	W
Rank	Deputy
Unit Assignment:	Palmdale Station
Work Assignment (Unit #, Module, etc.):	263K
ShiftTime (*circle only one*): EM PM Day	PM (circled)
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular (circled)
Intoxication/Drug Usage?	☐
Substance Used:	
Hospital Admission?	☐
Hospital Name:	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting:	[redacted]
Duty Time (hrs):	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest / Plain Clothes w/ Vest / Raid Jacket no Vest / Raid Jacket w/ Vest / Uniform no Vest / Uniform w/ Vest	Uniform w/ Vest (circled)
Other Factors:	
Age:	[redacted]
Height:	509
Weight:	185
Range Qualification Date:	[redacted]
PPC Qualification Date:	[redacted]
Laser Training Date:	
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit:	[redacted]
Prior Shootings?	☒
Number of Prior Shootings:	1
Directed Force:	[redacted]
Weapons Fired Brand:	H & K
Caliber	45
# Shots	8
Weapons Fired Brand:	
Caliber	
# Shots	
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	[redacted]
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	[redacted]

E 2

Field	Value
Employee #	[redacted]
Last Name	Campbell
First Name	Andrew
M.I.	J.
Sex:	M
Race:	W
Rank	Deputy
Unit Assignment:	Palmdale Station
Work Assignment (Unit #, Module, etc.):	264A
ShiftTime (*circle only one*): EM PM Day	PM (circled)
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular (circled)
Intoxication/Drug Usage?	☐
Substance Used:	
Hospital Admission?	☐
Hospital Name:	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting:	[redacted]
Duty Time (hrs):	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest / Plain Clothes w/ Vest / Raid Jacket no Vest / Raid Jacket w/ Vest / Uniform no Vest / Uniform w/ Vest	Uniform w/ Vest (circled)
Other Factors:	
Age:	[redacted]
Height:	605
Weight:	260
Range Qualification Date:	[redacted]
PPC Qualification Date:	[redacted]
Laser Training Date:	
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit:	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings:	[redacted]
Directed Force:	[redacted]
Weapons Fired Brand:	Beretta
Caliber	9 mm
# Shots	2
Weapons Fired Brand:	
Caliber	
# Shots	
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	[redacted]
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	[redacted]

E __

Field	Value
Employee #	
Last Name	
First Name	
M.I.	
Sex:	
Race:	
Rank	
Unit Assignment:	
Work Assignment (Unit #, Module, etc.):	
ShiftTime (*circle only one*): EM PM Day	
ShiftType (*circle only one*): Regular Overtime Off Duty	
Intoxication/Drug Usage?	☐
Substance Used:	
Hospital Admission?	☐
Hospital Name:	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting:	
Duty Time (hrs):	
Clothing (*circle only one*): Plain Clothes no Vest / Plain Clothes w/ Vest / Raid Jacket no Vest / Raid Jacket w/ Vest / Uniform no Vest / Uniform w/ Vest	
Other Factors:	
Age:	
Height:	
Weight:	
Range Qualification Date:	
PPC Qualification Date:	
Laser Training Date:	
Certified with Weapon Used?	☐
Patrol Certification?	☐
Certification Unit:	
Prior Shootings?	☐
Number of Prior Shootings:	
Directed Force:	☐
Weapons Fired Brand:	
Caliber	
# Shots	
Weapons Fired Brand:	
Caliber	
# Shots	
Field Training Officer Emp #	
Last Name	
First Name	
M.I.	
Field Training Officer Emp #	
Last Name	
First Name	
M.I.	

Suspect Information

S 1

Last Name: Monteon		First Name: Jose	M.I.: D.
AKA Last Name:		First Name:	M.I.:
Sex: M Race: H	Street Addres[redacted]	City [redacted]	[redacted] & Zip [redacted]
Work Phone:	Home Phone:	Social Secu[redacted]	Driver's Licen[redacted]
Age: 19 D.O.B. 08/22/91	Height: 511 Weight: 210	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2011-02513	Intoxication/Drug Usage? ☒	Substance Used: Alcohol / Methamphetamine
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **On-Duty Hit Shooting**

IAB FILE NUMBER(S): **SH2286320**

URN#: **011-05000-2611-013**

DATE /TIME: **Friday, April 8, 2011 / 1804 hours**

LOCATION: **[redacted] E Avenue R-4, Palmdale, 93550**

Opening Statement

On Friday, April 8, 2011, Sergeants Victor Allen and Kelly Adler of the Internal Affairs Bureau responded to [redacted] E Avenue R-4, Palmdale regarding an on-duty hit shooting which resulted in the death of Suspect Jose Monteon. Internal Affairs Bureau Lieutenant Alicia Ault also responded. Attorney Cynthia Hernandez of the Office of Independent Review was notified and responded to the scene.

Synopsis

On April 8, 2011, Victim [redacted] was driving southbound on Division Street approaching Kimberly Lane, in Palmdale. Her [redacted] Victim [redacted] was passenger in the front seat of the car. As she looked to her left, Victim [redacted] saw a male Hispanic standing on the sidewalk. The male was pointing a black handgun at her. Fearing for her safety, Victim [redacted] quickly drove away. She stopped in the area of Kimberly Lane and called 9-1-1. She described the male with gun as 25 years old, 5'07" tall, light skinned Hispanic or white wearing a brown shirt.

Deputy Giovanni Lampignano #[redacted] was working alone in unit 263K. He received a code-3 call (lights and siren) of a man with a gun. He responded from the station in tandem along with Deputy Bridgette Smith #[redacted] unit 263J. Riding with Deputy Smith was her civilian ride-a-long Witness [redacted] They along with additional personnel from Palmdale Station checked the vicinity of 200 E Avenue R, which was the initial reported location of the suspect. Refer to the call details on page 59 of **[Exhibit A]**.

As they checked the vicinity for the suspect, they received additional information of the suspect's location via Sheriff's Radio. The suspect was now reported to be in the area of Division Street and Avenue R-4. Deputies Lampignano and Smith contacted

Witnesses [redacted] and [redacted] on the northeast corner of Division Street and Avenue R-4. Witness [redacted] had last seen the suspect walking east on Avenue R-4 and directed the deputies in the suspect's direction.

Deputy Smith proceeded east on Avenue R-4 and was followed by Deputies Lampignano and Andrew Campbell [redacted] unit 264A. Riding with Deputy Campbell was his civilian ride-a-long Witness [redacted] Deputy Smith saw the suspect walking eastbound on the north sidewalk of Avenue R-4 carrying a handgun in his right hand. She drove up to the suspect, stopping her car in the middle of the street approximately 30 feet away. Deputy Smith detained the suspect at gun point by leaning out the driver's window of her radio car and giving him verbal commands to stop and to show his hands.

Deputy Lampignano followed Deputy Smith east on Avenue R-4 driving along the north curb line. He also saw the suspect walking northbound on the east sidewalk carrying a gun in his right hand. Deputy Lampignano drove toward the suspect stopping his radio car behind and off-set to the left of Deputy Smith's car. He took a position in the open doorway of his radio car and detained the suspect at gunpoint. Deputy Lampignano ordered the suspect to drop the gun and to put his hands in the air.

Deputy Campbell followed behind Deputy Lampignano. He saw the suspect walking east on the north sidewalk of Avenue R-4 carrying a gun in his right hand. Deputy Campbell positioned his radio car to the right of Deputy Lampignano's car. He took a position in the street near the engine block and push bars of Deputy Lampignano's radio car.

The suspect turned facing west and raised his hands above his head still holding a handgun in his right hand. He lowered his right hand pointing the barrel in the direction of Deputies Lampignano and Campbell. Deputy Lampignano, in fear for his life, fired one round at the suspect. Deputy Lampignano assessed to see if the round had effect on the suspect. When it appeared to have no effect, Deputy Lampignano fired two more rounds at the suspect. Deputy Campbell seeing the suspect pointing the gun at them and hearing a shot being fired believed the suspect had shot at them. He fired two rounds at the suspect. The suspect went to the ground on one knee, but was still holding the gun and pointing it towards Deputies Lampignano and Campbell. Deputy Lampignano fire 2 to 3 additional rounds and the suspect fell to the ground.

Sergeants Daniel Oppenheim [redacted] and Thomas Bruner [redacted] who arrived just at the time the shooting occurred, formed an arrest team with Deputies Lampignano, Campbell and Smith. Utilizing the ballistic shield, they made an approach to the suspect. Deputy Smith checked the suspect's vital signs and found no pulse. She, along with Sergeant Oppenheim, performed CPR until paramedics arrived. The suspect was transported to Antelope Valley Hospital and pronounced dead by Dr. Arnout.

On October 19, 2011, the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's issued a letter of opinion regarding the shooting. It was the

conclusion of JSID that Deputies Campbell and Lampignano acted in lawful self-defense and defense of others. Their conclusion is contained in the letter **[Exhibit B].**

Involved Personnel

Deputy Giovanni Lampignano #[redacted]
FOR I/ Palmdale Station

Work History

Date of Employment:	09/18/2006
Date Assigned to Patrol:	08/03/2008
Date Completed Patrol Training:	[redacted]
Date Assigned to Station:	08/03/2008
Prior Shooting Incident(s):	1
Prior Founded Force:	[redacted]

Deputy Andrew Campbell #[redacted]
FOR I/ Palmdale Station

Work History

Date of Employment:	01/17/2002
Date Assigned to Patrol:	08/26/2007
Date Completed Patrol Training:	[redacted]
Date Assigned to Station:	08/26/2007
Prior Shooting Incident(s):	[redacted]
Prior Founded Force:	[redacted]

Suspects

Monteon Jr., Jose David MH/19 DOB: 08/22/1991
Deceased
CC# 2011-02513

Injuries

Suspect Monteon sustained gunshot wounds to his right ear and head, to the left side of his chest, the left side of his torso, two wounds to his right torso, a wound to his left arm, and two wounds to the back of his right leg. He had superficial cuts to his right arm. Refer to pages 94-97 of **[Exhibit A]** for a detailed description of Suspect Monteon's injuries.

Physical Evidence

Seven .45 caliber casings, two 9mm caliber casings, two expended bullets, a ballistic tactical shield, Suspect Monteon clothing, and a replica pistol, "Airsoft," with a detached magazine were located and collected by Homicide investigators and Scientific Services Bureau personnel. For detailed descriptions of the evidence collected and where it was collected, see the Homicide Investigation Book **[Exhibit A]** pages 49-51.

Investigators Observations

The scene is described in detail by Homicide investigators, Sergeants Frank Salerno and Ronald Duval. There description of the scene is consistent with IAB Investigators observations. Refer to pages 52-56 of **[Exhibit A]**. The scene was also photographed by Scientific Services. Refer to the compact disc and thumbnail photos under **[Exhibit C]**.

Weapons used by Deputy

Deputy Lampignano fired eight rounds of Department authorized .45 auto caliber ammunition from a Department authorized H&K, USP, semiautomatic pistol. The weapon was examined by Scientific Services Firearms Identification Unit and found to be functional (page 82 **[Exhibit A]**). Seven expended casing were recovered at the scene from his weapon.

Date last qualified:
Date last trained with weapon:


[redacted]

Deputy Campbell fired two rounds of Department issued 9mm ammunition from a Department issued Beretta 92FS, semiautomatic pistol. The weapon was examined by Scientific Services Firearms Identification Unit and found to be functional (page 82 **[Exhibit A]**). Two expended casing were recovered at the scene from his weapon.

Date last qualified:
Date last trained with weapon:


[redacted]

Weapon used by Suspect

Suspect Monteon was armed with an "Airsoft," 1911A1 style pistol.

Property Damage

There was a bullet strike to the driver's side passenger window to a 2004 Ford Excursion, CA license [redacted] Refer to pages 14 and 51 of **[Exhibit A].**

Criminal Investigator

Detectives Louie Aguilera # [redacted] and Steven Blagg # [redacted] of the Los Angeles County Sheriff's Department Homicide Bureau conducted the criminal investigation.

Lighting and Weather Conditions

The shooting occurred during daylight hours. The weather was clear and cloudy.

Witness Statements

Victim [redacted]

On April 8, 2011, Victim [redacted] was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at Palmdale Sheriff's Station. Present in the interview were IAB Sergeants Victor Allen and Kelly Adler. His interview was summarized on page 33 of **[Exhibit A].** This summary was consistent with the Homicide transcripts. The following is a brief summary of his statement.

Victim [redacted] stated he was the front seat passenger of the car being driven by his [redacted] Victim [redacted] They were driving south bound on Division Street, south of Avenue R, when he saw a male Hispanic on the east side of the street pointing a handgun at them.

Victim [redacted]

On April 8, 2011, Victim [redacted] was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at Palmdale Sheriff's Station. Present in the interview were IAB Sergeants Victor Allen and Kelly Adler. Her interview was summarized on pages 33-34 of **[Exhibit A].** This summary was consistent with the Homicide transcripts. The following is a brief summary of her statement.

Victim [redacted] stated she was driving south on Division Street with her [redacted] Victim [redacted] when she saw a male Hispanic pointing a gun at her. The male was standing on the sidewalk about twenty-five feet away from her. Fearing she was going to be shot, Victim [redacted] said she sped away from the area. She said she stopped at Kimberly Lane and called 9-1-1.

Witness [redacted]

On April 8, 2011, Witness [redacted] was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at Palmdale Sheriff's Station. Present in the interview were IAB Sergeants Victor Allen and Kelly Adler. Her interview was summarized on pages 34-35 of **[Exhibit A].** This summary was consistent with the Homicide transcripts. The following is a brief summary of her statement.

Witness [redacted] said she was on a ride-a-long with Deputy Bridgette Smith. She said they were at the station when another deputy rushed out saying there was a person with a gun call. Witness [redacted] said she went to the scene with Deputy Smith. Once they arrived, Witness [redacted] said she saw a male Hispanic wearing a brown shirt and jeans carrying a gun in his left hand. She said Deputy Smith stopped about one car length away from the male and put her gun out the driver's window. Deputy Smith yelled to the male to "show me your hands."

Witness [redacted] said the male turned around and looked at Deputy Smith and rolled his eyes. The male started to put his hands up and then brought them back down. Witness [redacted] said it appeared the male was putting his hands back up, but she lost sight of him because she was putting their car into park. It was at that time she said she heard gunshots. Witness [redacted] said Deputy Smith came around the car and moved her to safety toward the rear of their car. She said deputies requested paramedics and she said Deputy Smith along with two other deputies began to preforming CPR on the male.

Witness [redacted]

On April 8, 2011, Witness [redacted] was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at Palmdale Sheriff's Station. Present in the interview were IAB Sergeants Victor Allen and Kelly Adler. Her interview was summarized on pages 35-36 of **[Exhibit A].** This summary was consistent with the Homicide transcripts. The following is a brief summary of her statement.

Witness [redacted] stated she was on a ride-a-long with Deputy Andrew Campbell, when she noticed he was driving fast. She said she heard on the radio that there was a man with a gun call. Deputy Campbell turned onto an unknown street and Witness [redacted] said she saw two other radio cars in front of them. She said she saw a male Hispanic wearing a brown shirt standing on the north sidewalk. The male was holding a handgun in his right hand. Witness [redacted] said Deputy Campbell stopped their car and took a position between Deputy Smith's and another radio car. She stayed in the car.

Witness [redacted] said the male was walking toward the deputies waving his arms. She said the deputies were shouting commands to the male to drop the gun and to raise his arms but he did not comply. At one point, she said the male pointed the barrel of the gun in the direction of Deputy Campbell and another male deputy and then she heard

gunshots. Initially she thought the male had shot at the deputies. She saw the male grab his stomach and fall to the ground. In total, she said she heard between five and ten gunshots.

Witness [redacted]

On April 8, 2011, Witness [redacted] was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at Palmdale Sheriff's Station. Present in the interview were IAB Sergeants Victor Allen and Kelly Adler. His interview was summarized on pages 36-37 of **[Exhibit A].** This summary was consistent with the Homicide transcripts. The following is a brief summary of his statement.

Witness [redacted] said he was seated in a car in front of Witness [redacted] house, when he saw a male running from southbound Division Street to Avenue R-4. Witness [redacted] pointed out to him the male had a gun. Witness [redacted] said he saw the male waving the gun in the air and ducking down. The gun was in his right hand. Witness [redacted] said he exited the car and looked down the street. He saw the male about six to seven houses away. He said he saw several Sheriff's units drive up and he pointed the male out to them.

Witness [redacted] said the deputies drove toward the male. He said he saw the male with his right hand in the air and his left hand about shoulder height. The male lowered the gun to about chest height and then Witness [redacted] said he heard a gunshot. Initially, Witness [redacted] said he thought the male had shot his gun. He heard a second gunshot and saw the male go down to the ground **(Refer to pages 13-14 of Witness [redacted] transcript).**

Witness [redacted]

On April 20, 2011, Witness [redacted] was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at his home. His interview was summarized on pages 44-45 of **[Exhibit A].** This summary was consistent with the Homicide transcripts. The following is a brief summary of his statement.

Witness [redacted] stated he was in front of his home seated in his friend's (Witness [redacted] car. He saw the suspect stop to the house just east of them. The male was turning in circles waving a gun around. The suspect continued to walk east on the north sidewalk. Witness [redacted] said several radio cars turned onto Avenue R-4. He pointed to where the suspect had walked and told the deputies of the suspect's direction. He saw the deputies contact the suspect, who raised his arms while still holding the gun. He then heard 2 or 3 gunshots and saw the suspect lean forward. Witness [redacted] said he looked away and then heard approximately eight more shots. He saw the deputies approach the suspect and render aid to him.

Witness [redacted]

On April 20, 2011, Witness [redacted] was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at his home. His interview was summarized on pages 44-45 of **[Exhibit A].** This summary was consistent with the Homicide transcripts. The following is a brief summary of his statement.

Witness [redacted] said he was exiting his home we he saw the suspect on the north sidewalk facing deputies. He saw the suspect raise his right arm and was holding an object that could have been a gun. He then saw the deputies fire several shots at the suspect causing him to fall to the ground. He said several deputies approached the suspect and a female deputy performed CPR on him.

Witness [redacted]

On April 20, 2011, Witness [redacted] was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at her home. Her interview was summarized on pages 46 of **[Exhibit A].** The transcripts were not submitted with this case because the audio is difficult to understand. The following is a brief summary of her statement.

Witness [redacted] said she was inside her home when saw the suspect walk by carrying an object in his hand. The suspect appeared to upset or excited. She said the suspect walked east on Avenue R-4 away from her house. A few minutes later she saw several Sheriff's patrol cars drive east on Avenue R-4 and south on Dixie Drive. She then heard several gunshots.

Sergeant Daniel Oppenheim #[redacted]

On April 9, 2011, Sergeant Daniel Oppenheim was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at Palmdale Sheriff's Station. Present in the interview were IAB Sergeants Victor Allen and Kelly Adler. His interview was summarized on pages 40-41 of **[Exhibit A].** This summary was consistent with the Homicide transcripts. The following is a brief summary of his statement.

Sergeant Oppenheim said when he arrived at Avenue R-4, he saw the suspect standing on the east sidewalk. He was unable to see the suspect's hands because he was about 100 yards away. He saw Deputy Smith was closest to the suspect and Deputies Campbell and Lampignano were in the street to the rear of Deputy Smith's patrol car. As he was exiting his patrol car, Sergeant Oppenheim said he heard about eight gunshots. He looked in the direction of Deputies Campbell and Lampignano and saw gun smoke. He looked toward the suspect and saw him bent forward at the waist. The suspect took a few steps to the east and fell to the sidewalk.

Sergeant Oppenheim said he grabbed the ballistic shield from his vehicle. He approached the suspect with other deputy personnel. Deputy Smith checked the

suspect's vital signs and found no pulse. Deputy Smith started chest compressions on the suspect while he administered emergency breathing. He said they continued CPR until paramedics arrived.

Sergeant Thomas Bruner #[redacted]

On April 8, 2011, Sergeant Thomas Bruner was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at Palmdale Sheriff's Station. Present in the interview were IAB Sergeants Victor Allen and Kelly Adler. His interview was summarized on pages 39-40 of **[Exhibit A].** This summary was consistent with the Homicide transcripts. The following is a brief summary of his statement.

Sergeant Bruner said when he arrived at Division Street and Avenue R-4, he heard Deputy Lampignano say over the "Metro" tactical frequency, "I have him right here." He said he went east on Avenue R-4 and saw the suspect on the north sidewalk with his hands in the air. The suspect was holding what appeared to be a "Colt" 1911 handgun in his right hand. Sergeant Bruner said he heard Deputy Smith and another male voice tell the suspect to drop his gun.

Sergeant Bruner said he drew his weapon and started to walk toward the suspect when he saw the suspect's hand and gun drop in front of him. He then heard one gunshot. Believing the suspect fired his weapon, Sergeant Bruner said he took cover behind Deputy Campbell's radio car. He then heard several more gunshots. When he looked up, he saw the suspect lying on the ground with his gun about five feet away from him.

Sergeant Bruner said he formed an arrest team with Sergeant Oppenheim and Deputies Smith, Campbell and Lampignano. They approached the suspect and saw he was not breathing. Sergeant Bruner said Deputy Smith and Sergeant Oppenheim performed CPR on the suspect.

Deputy Bridgette Smith #[redacted]

On April 8, 2011, Deputy Bridgette Smith was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at Palmdale Sheriff's Station. Present in the interview were IAB Sergeants Victor Allen and Kelly Adler. Her interview was summarized on pages 37-39 of **[Exhibit A].** This summary was consistent with the Homicide transcripts.

On October 13, 2011, Deputy Smith was subsequently interviewed by IAB Investigators Sergeant Victor Allen and Trent Denison at Palmdale Sheriff's Station. This interview addressed issues not covered in the Homicide interview. The following is a summary of her IAB interview.

Deputy Smith stated while en-route to the call, she informed her civilian ride-a-long Witness [redacted] to stay in the car and to stay down, unless someone took her out of the car. Refer to page 3 of Deputy Smith's IAB Interview. When she arrived at the corner of Division Street and Avenue R-4, Deputy Smith said Deputy Lampignano told

her the suspect was "down there" referring to east of their location on Avenue R-4. Deputy Lampignano had received this information from a witness on the northeast corner of Division and Avenue R-4.

Deputy Smith said she drove east on Avenue R-4 down the middle of the street. Deputy Lampignano followed her. When she was approximately five houses from the corner, Deputy Smith said she saw the suspect walking on the north sidewalk holding a gun in his hand. Deputy Smith said she was about two half houses away from the suspect when she made this observation. Refer to pages 4-6 of Deputy Smith's IAB Interview.

> **IAB Note:** Deputy Smith indicated her position and the suspect's position at the time she first observed him on the first photo of **[Exhibit D].** Deputy Smith is identified by the initials "BS" and the suspect is identified by the letter "S" in the photo.

Deputy Smith stated she drove up to the suspect, attempted to place her car into park and detained him at gunpoint. She said she had difficulty putting her car into park and she rolled closer to the suspect than she would have liked. She said she kept her foot on the brake because the car was not in park. Deputy Smith said she leaned out of the driver's window with her gun, while giving the suspect verbal commands to "Stop, Sheriff's Department. Let me see your hands." Refer to pages 7-8 of Deputy Smith's IAB Interview.

> **IAB Note:** Deputy Smith's radio car (SD4334) in relationship to the suspect is depicted in the second and third photos of **[Exhibit D]**. The distance from the front driver's side bumper of her radio car to where the suspect clothing was recovered was approximately 28 feet. Refer to the measurements taken by Scientific Services Bureau which is found on page 79 of **Exhibit A**.

Deputy Smith said her initial plan was to get out the car, control the suspect, get her ride-a-long out of the car and to safety, and to create distance with the suspect. However, because she could not get the car into park she was not able to do so (page 18).

Deputy Smith said as she was giving the suspect directions, he was turning around with his hands up similar to that of a goal post. The suspect had a gun in his right hand and she said she was telling him to drop it. The suspect did not drop the weapon and was looking around as if thinking about what he was going to do. Deputy Smith said he had a "dead stare" on his face. She said the suspect slowly dipped his right hand forward and then she heard the gunshots. Because of the angle she was to the suspect, Deputy Smith said at the time the suspect's hand went forward she did not know where the suspect was pointing the gun. Refer to pages 15-16 of Deputy Smith's IAB Interview. Deputy Smith estimated from the time she contacted the suspect until the shooting was about 45 seconds.

Involved Personnel

Deputy Giovanni Lampignano

On April 9, 2011, Deputy Giovanni Lampignano was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at Palmdale Sheriff's Station. His interview was summarized on pages 41-43 of **[Exhibit A].** This summary was consistent with the Homicide transcripts.

On October 13, 2011, Deputy Lampignano was subsequently interviewed by IAB Investigators Sergeant Victor Allen and Trent Denison at Palmdale Sheriff's Station. This interview addressed issues not covered in the Homicide interview. The following is a summary of his IAB interview.

Deputy Lampignano stated when he first saw the suspect on Avenue R-4 he was about five to six houses away. At that time, he could see that the suspect had a gun. He closed the distance to about one house away because there was no cover or concealment close enough to the suspect for him to make contact. He said there was only a van parked on the street and it was too far away for him to take a position there and make contact the suspect. He said his radio car was the only available cover and he closed the distance to able to take immediate action if needed (page 4).

As he drove up to the suspect, Deputy Lampignano said he said over the radio "I believe I got the guy." Hey, guys, I got him right here." He said that was all the information he was able to get because he wanted to make contact as soon as he could (page 8). Deputy Lampignano said he took a position behind his open driver's door to his radio car. He felt it is best to stay in this location, as opposed to moving to the rear of his car, to prevent exposing himself to the suspect. He said he radio car was off-set and to the rear of Deputy Smith's car. They were positioned in a triangle configuration to the suspect which prevented a cross fire. In his backdrop, Deputy Lampignano said there were houses and possibly a car that was quite a ways down the street. He said there weren't any pedestrians in the area (page 5-7). Deputy Lampignano said from the time he contacted the suspect until the shooting occurred was about 15 to 20 seconds.

> **IAB Note:** Deputy Lampignano indicated his position and the suspect's position at the time he first observed him on the first photo of **[Exhibit E].** Deputy Lampignano is identified by the letter "G" and he identified the suspect position as being on the sidewalk near the radio that is circled.
> Photos 2-4 of **[Exhibit E]** identify Deputy Lampignano position and the suspect potion at the time of the shooting.

Deputy Andrew Campbell

On April 9, 2011, Deputy Andrew Campbell was interviewed by Homicide Investigators Louie Aguilera and Steve Blagg at Palmdale Sheriff's Station. His interview was summarized on pages 43-44 of **[Exhibit A].** This summary was consistent with the Homicide transcripts.

On October 13, 2011, Deputy Campbell was subsequently interviewed by IAB Investigators Sergeant Victor Allen and Trent Denison at Palmdale Sheriff's Station. This interview addressed issues not covered in the Homicide interview. The following is a summary of his IAB interview.

Deputy Campbell stated when he first saw the suspect he was about 200 yards away. At that time, he could see a black object in the suspect's hand he believed was a gun. He said he closed the distance to about 30 feet because Deputies Smith and Lampignano had already engaged the suspect. He said he moved into a position near the push bars and engine block of Deputy Lampignano's car to provide cover for them. He said there was no cross fire with him and Deputy Smith because she was to the east of him and south of the suspect. He said there where houses in the back drop, but no pedestrian traffic on the street.

> **IAB Note:** Deputy Campbell indicated his position and the suspect's position at the time he first observed him on the third photo of **[Exhibit F].** Deputy Campbell is identified by the letter "C" and he identified the suspect position with the letter "S" on the sidewalk. His position at the time of the shooting is identified in the first photo and the suspect in the second photo of **[Exhibit F].**

Miscellaneous

IAB Lieutenant Ault checked to see that the Watch Commander, Lieutenant Ken Wright #[redacted] took reasonable steps to ensure that the involved parties and witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, as well as the involved parties and witnesses personnel did not collectively consult with their attorney or representative. In addition, Lieutenant Ault checked to see if the watch commander attempted to have the involved parties and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

October 19, 2011

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 11-0287
L.A.S.D. File # 011-05000-2611-013

Dear Captain Smith:

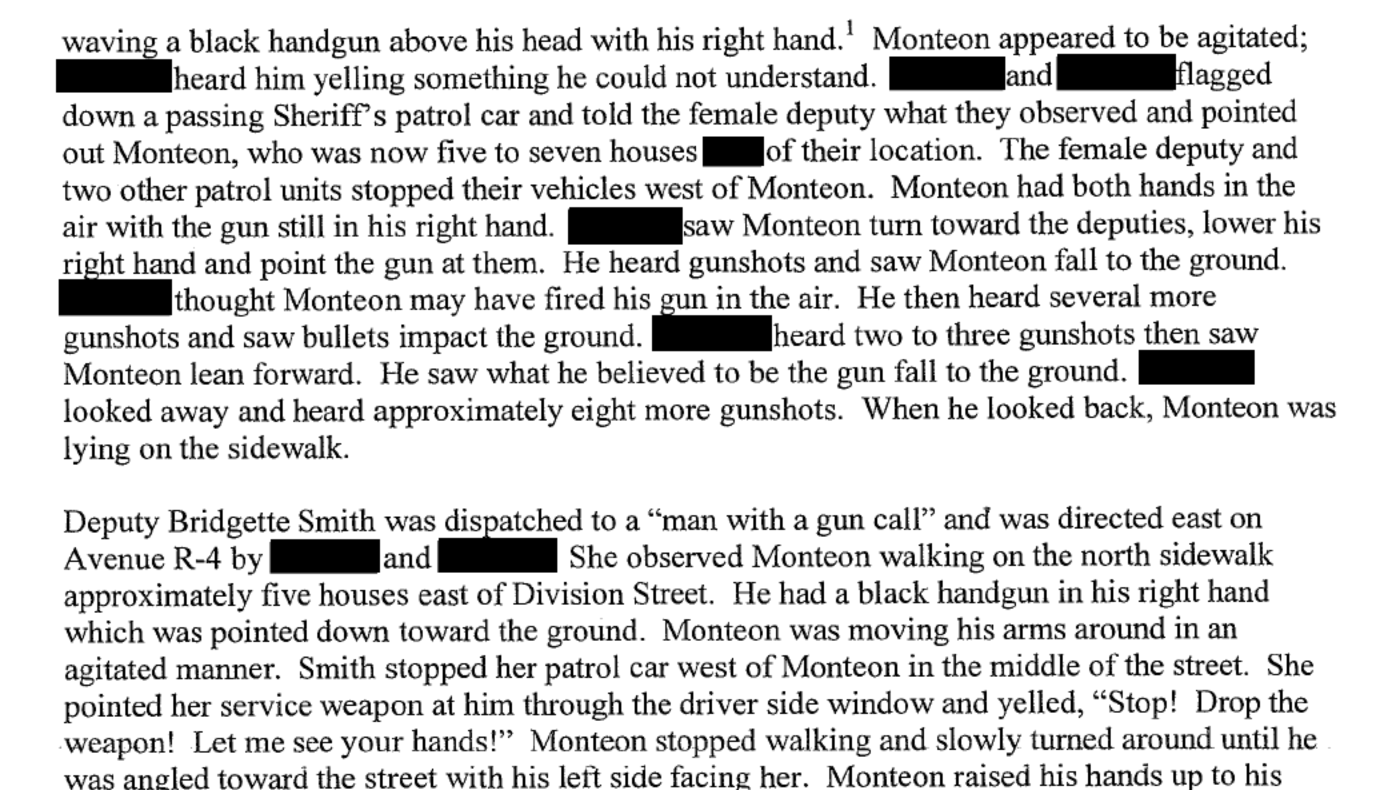
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 8, 2011, fatal shooting of Jose David Monteon, Jr. by Los Angeles County Sheriff Deputies Andrew Campbell and Giovanni Lampignano. It is our conclusion that Deputies Campbell and Lampignano acted in lawful self-defense and defense of others.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Investigators Louie Aguilera and Steven Blagg, LASD, Homicide Bureau. The District Attorney's Command Center was notified of the shooting on April 8, 2011, at approximately 7:10 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Deborah Escobar and District Attorney Senior Investigator [redacted] responded and was given a briefing and a walk-through of the scene. Deputies Campbell and Lampignano provided voluntary statements which were considered as part of this analysis.

FACTUAL ANALYSIS

On April 8, 2011, shortly before 6:00 p.m., citizens began calling 9-1-1 to report a man waving a gun and pointing it at passing cars in the area of Division Street and Avenue R-4 in the City of Palmdale. [redacted] and [redacted] who were unaware of the calls, were sitting in a vehicle parked in the driveway of [redacted] residence on the [redacted] corner of Avenue R-4 at Division Street. They observed a man walking east on Avenue R-4 behind their car while

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waving a black handgun above his head with his right hand.[1] Monteon appeared to be agitated; [redacted] heard him yelling something he could not understand. [redacted] and [redacted] flagged down a passing Sheriff's patrol car and told the female deputy what they observed and pointed out Monteon, who was now five to seven houses [redacted] of their location. The female deputy and two other patrol units stopped their vehicles west of Monteon. Monteon had both hands in the air with the gun still in his right hand. [redacted] saw Monteon turn toward the deputies, lower his right hand and point the gun at them. He heard gunshots and saw Monteon fall to the ground. [redacted] thought Monteon may have fired his gun in the air. He then heard several more gunshots and saw bullets impact the ground. [redacted] heard two to three gunshots then saw Monteon lean forward. He saw what he believed to be the gun fall to the ground. [redacted] looked away and heard approximately eight more gunshots. When he looked back, Monteon was lying on the sidewalk.

Deputy Bridgette Smith was dispatched to a "man with a gun call" and was directed east on Avenue R-4 by [redacted] and [redacted] She observed Monteon walking on the north sidewalk approximately five houses east of Division Street. He had a black handgun in his right hand which was pointed down toward the ground. Monteon was moving his arms around in an agitated manner. Smith stopped her patrol car west of Monteon in the middle of the street. She pointed her service weapon at him through the driver side window and yelled, "Stop! Drop the weapon! Let me see your hands!" Monteon stopped walking and slowly turned around until he was angled toward the street with his left side facing her. Monteon raised his hands up to his head with his elbows bent and the gun pointed upward. Smith was aware that other deputies had arrived and were positioned somewhere behind her. As she ordered Monteon to lock his elbows, he slowly dipped the gun forward. Smith heard gunshots coming from behind her. Monteon took a few steps back then fell to the ground and dropped the gun.

Deputy Giovanni Lampignano responded to the location and followed Deputy Smith eastbound on Avenue R-4. Lampignano observed Monteon walking on the north sidewalk with what appeared to be a black Colt 1911 semiautomatic handgun in his right hand pointed down by his side. Lampignano stopped his vehicle behind Smith's car near the north curb. He took cover behind his open driver door and pointed his service weapon at Monteon. Lampignano ordered Monteon to drop his weapon and raise his hands. Monteon stopped walking and slowly turned to his right toward both deputies while twirling the gun around his index finger. Lampignano repeated his order for Monteon to drop the gun and raise his hands. Monteon raised his arms with the gun gripped in his right hand. Lampignano again ordered him to drop the gun. Monteon looked in Lampignano's direction while lowering his gun toward the deputy's head. Believing that Monteon was about to shoot him, Lampignano fired one round from his service weapon. Monteon did not react and continued pointing the gun at the deputy. In fear for his life, Lampignano immediately fired two to three more rounds. At the same time he heard additional gunshots and thought that Monteon had returned fire. Monteon bent over at the waist and fell to his knees with the gun still pointed in the deputy's direction. Fearing that Monteon, even now, was attempting to shoot him, Lampignano fired two more rounds. Monteon fell to his right side

[1] The man was subsequently identified as Jose David Monteon, Jr.

with the gun still extended toward Lampignano. Lampignano immediately fired another round at Monteon. Monteon rolled over in Deputy Smith's direction and continued to move around. Fearing that Monteon was about to shoot Smith, Lampignano fired two to three more rounds at which time Monteon stopped moving.[2] Lampignano estimated that he gave ten to fifteen verbal commands to Monteon during the entire encounter.

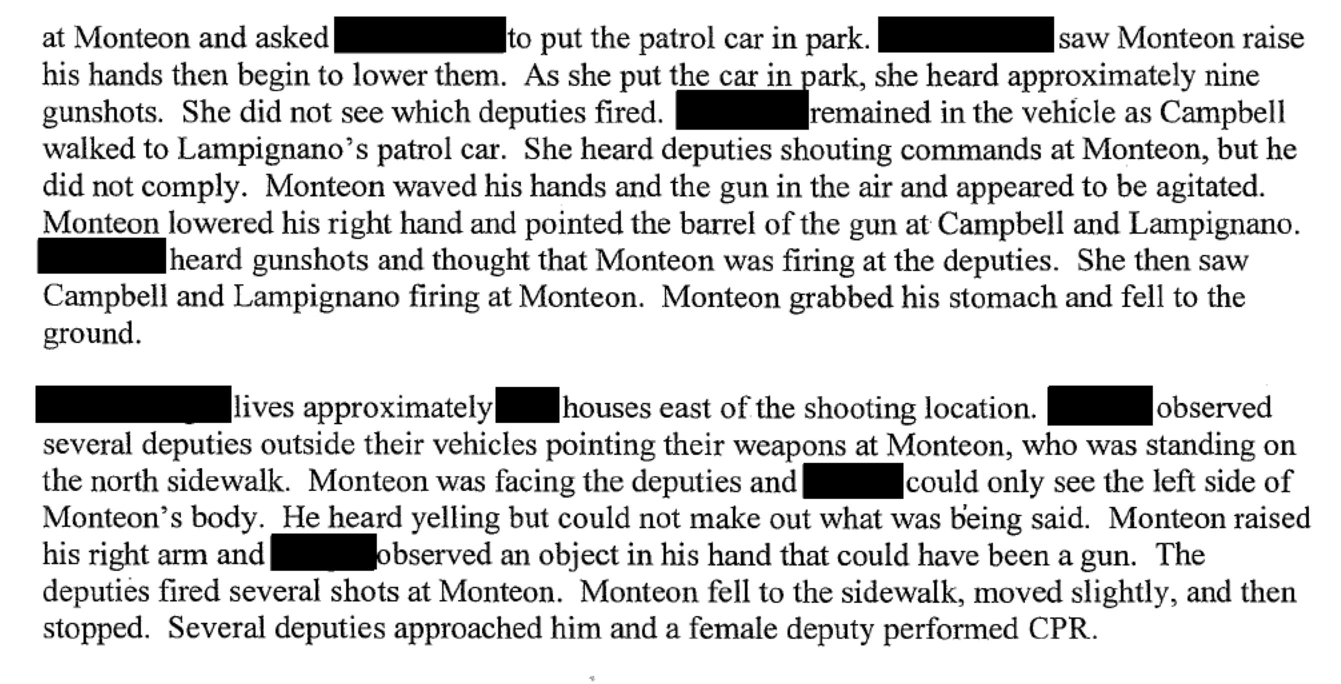
Lampignano advised dispatch that he had been involved in a shooting and requested paramedics to respond to the location. Sergeant Daniel Oppenheim, using a ballistic shield, approached Monteon with several other deputies. Oppenheim and Deputy Smith performed cardiopulmonary resuscitation (CPR) on Monteon until Fire Department personnel arrived.

Deputy Andrew Campbell responded to Avenue R-4 and stopped his vehicle alongside Lampignano's vehicle.[3] Monteon was on the north sidewalk and had what appeared to be a black 1911 model semiautomatic handgun in his right hand. Campbell got out of his vehicle and drew his service weapon. As he walked toward Lampignano's vehicle, Monteon put his hands in the air with his arms bent at the elbows. The barrel of the gun was pointed upward. Campbell yelled for Monteon to drop the gun. As he got to the passenger door of Lampignano's vehicle, Monteon's right hand lowered pointing the gun directly at him and Lampignano. Campbell heard one to two gunshots and believed that Monteon was firing at them. In fear for his safety, Campbell fired two rounds at Monteon from his service weapon.[4] Campbell heard several more gunshots and saw Monteon's body lurched forward as if he had been shot. Monteon stumbled a few steps then fell to the ground. Campbell was unsure whether additional rounds were fired as he fell. Campbell observed a gun lying on the ground near Monteon when he and several other deputies approached him.

Sergeant Thomas Bruner responded to Avenue R-4 and observed two to three patrol vehicles stopped east of Division Street. Bruner followed Deputy Campbell down Avenue R-4 and stopped his vehicle behind him. As he was exiting his car, Bruner saw Monteon standing on the north sidewalk with his hands in the air while holding a Colt 1911 semiautomatic handgun in his right hand pointed skyward. Monteon was facing Campbell. He heard Deputy Smith and another male deputy repeatedly order Monteon to drop the gun. As Bruner walked toward Monteon, Monteon began to drop his right hand. Bruner heard a single gunshot and thought that Monteon had fired his weapon. Bruner took cover behind Campbell's patrol vehicle and heard several more gunshots. When he stood up, he saw Monteon lying on the north sidewalk with his handgun on the ground approximately five feet away from him. The magazine was ejected from the weapon.

Deputies Smith and Campbell had passengers in their patrol cars at the time of the shooting. [redacted] was with Smith and [redacted] was with Campbell. They observed Monteon holding a handgun in his right hand when they arrived at the scene. [redacted] heard Smith giving commands to Monteon. Smith had her service weapon pointed

[2] An inspection of Lampignano's service weapon determined that he fired eight rounds.
[3] A diagram of the scene shows that, in fact, Campbell's car was parked behind and to the right of Lampignano's car.
[4] An inspection of Campbell's service weapon confirmed that he fired two rounds.



at Monteon and asked [redacted] to put the patrol car in park. [redacted] saw Monteon raise his hands then begin to lower them. As she put the car in park, she heard approximately nine gunshots. She did not see which deputies fired. [redacted] remained in the vehicle as Campbell walked to Lampignano's patrol car. She heard deputies shouting commands at Monteon, but he did not comply. Monteon waved his hands and the gun in the air and appeared to be agitated. Monteon lowered his right hand and pointed the barrel of the gun at Campbell and Lampignano. [redacted] heard gunshots and thought that Monteon was firing at the deputies. She then saw Campbell and Lampignano firing at Monteon. Monteon grabbed his stomach and fell to the ground.

[redacted] lives approximately [redacted] houses east of the shooting location. [redacted] observed several deputies outside their vehicles pointing their weapons at Monteon, who was standing on the north sidewalk. Monteon was facing the deputies and [redacted] could only see the left side of Monteon's body. He heard yelling but could not make out what was being said. Monteon raised his right arm and [redacted] observed an object in his hand that could have been a gun. The deputies fired several shots at Monteon. Monteon fell to the sidewalk, moved slightly, and then stopped. Several deputies approached him and a female deputy performed CPR.

Monteon was transported to Antelope Valley Hospital and was pronounced dead at 7:04 p.m. by Dr. Arnout. Los Angeles County Deputy Medical Examiner Ajay Panchal, M.D., conducted the autopsy on April 10, 2011. Monteon sustained eight gunshot wounds including a fatal gunshot wound to the chest. The toxicology report revealed that Monteon's blood tested positive for the presence of methamphetamine. Monteon also had a 0.17% blood alcohol level.

Monteon's weapon was an Airsoft replica 1911A1 pistol. Airsoft pistols are realistic replicas of modern and historical firearms designed to fire small diameter plastic BB's. The replica was constructed of plastic and had the appearance of a semiautomatic handgun. The grip portion was painted brown to resemble wood grips and the rest of the replica was painted black. There were no orange markings on the weapon to indicate that it was not real. The removable magazine was detached from the weapon and recovered just north of the pistol.

CONCLUSION

According to the law in California, the use of deadly force in self-defense or in the defense of others is justifiable if the person claiming the right to use self-defense actually and reasonably believed (1) that he or she, or the person who he or she was defending was in imminent danger of death or great bodily injury, and (2) that it was necessary under the circumstances to use deadly force to avoid such imminent death or great bodily injury.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the

amount of force that is necessary in a particular situation. Graham v. Conner, (1989) 490 U.S. 386, 396-397.

If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. Actual danger is not necessary to justify the use of deadly force in self-defense. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo, (1948) 85 C.A. 2d 577.

The evidence reviewed in this investigation shows that Jose David Monteon, Jr. pointed what appeared be a handgun at Deputies Campbell and Lampignano and placed them in imminent fear of death or great bodily injury. The officers' response with deadly force was reasonable. The fact that the handgun turned out to be a replica does not change the analysis and conclusion in this case. The replica gun was designed to look as if it was an actual firearm and everyone who observed it in Monteon's possession believed that it was, in fact, a real gun. We find that the deputies acted in lawful self-defense and defense of others and are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Deborah A. Escobar

DEBORAH A. ESCOBAR
Deputy District Attorney
(213) 974-3888

c: Deputy Andrew Campbell, #[redacted]
Deputy Giovanni Lampignano, #[redacted]